

1 PHILLIP A. TALBERT  
United States Attorney  
2 EMILY G. SAUVAGEAU  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
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6 Attorneys for Plaintiff  
United States of America  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JULIO NEVAREZ-ERUNEZ and  
JUAN NIEBLA-OSUNA,

15 Defendants.  
16

CASE NO. 2:22-CR-00210-DJC

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: October 26, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

17 STIPULATION

18 Plaintiff United States of America, by and through Assistant United States Attorney Emily G.  
19 Sauvageau, together with Attorney Meghan McLoughlin, counsel for defendant Julio Nevarez-Erunez,  
20 and Attorney Dina Santos, counsel for defendant Juan Niebla-Osuna, hereby stipulate as follows:

21 1. By previous order, this matter was set for status on October 26, 2023 before the  
Honorable Daniel J. Calabretta.

22 2. By this stipulation, the parties move to continue the status conference until February 15,  
2024, at 9:00 a.m., and to exclude time between October 26, 2023, and February 15, 2024, under Local  
Code T4.

23 3. The parties agree and stipulate, and request that the Court find the following:

24 a) The discovery associated with this case includes law enforcement reports, lab  
25 reports, search warrants, photographs, audio recordings, and cell phone extractions. All of this  
26

1 discovery has been either produced directly to counsel and/or made available for inspection and  
2 copying.

3 b) Defense counsel desire additional time to consult with their clients regarding  
4 discovery and otherwise prepare for trial.

5 c) Defense counsel believe that failure to grant the above-requested continuance  
6 would deny the defense the reasonable time necessary for effective preparation, taking into  
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of October 26, 2023 to February 15,  
14 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
16 of the Court's finding that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendant in a speedy trial.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
20 must commence.

21 IT IS SO STIPULATED.

22  
23 Dated: October 18, 2023

PHILLIP A. TALBERT  
United States Attorney

24  
25 /s/ EMILY G. SAUVAGEAU  
26 EMILY G. SAUVAGEAU  
27 Assistant United States Attorney  
28

1 Dated: October 18, 2023

/s/ MEGHAN MCLOUGHLIN

MEGHAN MCLOUGHLIN

Counsel for Defendant

Julio Nevarez-Erunez

4 Dated: October 18, 2023

/s/ DINA SANTOS

DINA SANTOS

Counsel for Defendant

Juan Niebla-Osuna

8 **ORDER**

9 IT IS SO FOUND AND ORDERED this 18<sup>th</sup> day of October, 2023.

11 /s/ Daniel J. Calabretta

12 THE HONORABLE DANIEL J. CALABRETTA  
13 UNITED STATES DISTRICT JUDGE